

FILED IN OPEN COURT

3-13-06
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UNITED STATES DISTRICT COURT
COMMONWEALTH OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-11069-JLT

ABRAHAM PHILIP, M.D.

Plaintiff,

v.

JOHN CRONIN, in his personal capacity

Defendant.

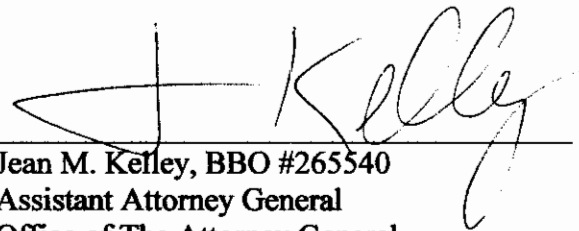
**MOTION IN LIMINE OF DEFENDANT JOHN CRONIN REGARDING
TELEPHONE CONVERSATIONS BETWEEN PLAINTIFF AND NEW
ENGLAND ORGAN BANK**

Now comes the Defendant John Cronin and requests that the Plaintiff not be permitted to testify as to conversations on or about January 30, 2004 between himself and representatives or agents of the New England Organ Bank ("NEOB"). The Defendant submits that the Plaintiff intends to testify that he spoke with two agents of the NEOB on that date and that they advised him regarding protocols that were being followed with respect to the organ donation of a hospitalized patient. It is Plaintiff's intent, at least in part, to offer those statements to prove the truth of them; and to then introduce a letter to the Governor drafted by the Plaintiff and containing those statements and criticizing the protocols as described. However, Plaintiff has not introduced any witness who could testify as to the truth of the statements; and they are inadmissible hearsay.

Demetrious M. Mendenhall
A. Tamm
3/13/06

WHEREFORE, the Defendant John Cronin respectfully requests that this court order that the Plaintiff not be permitted to testify as to conversations on or about January 30, 2004 between himself and representatives or agents of the New England Organ Bank in this matter.

Respectfully Submitted,
DEFENDANT JOHN CRONIN,
By his Attorneys,
THOMAS F. REILLY
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "J. Kelley", is written over a horizontal line.

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